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forthcoming)

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Attorneys for Plaintiff

Lockheed Martin Corporation

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

LOCKHEED MARTIN CORPORATION,

Plaintiff,

v.

ACEWORLD HOLDINGS PTY LTD.; AMB
PROPERTY (PROVIDENCE) PTY LTD.;
IVORYROSE HOLDINGS PTY LTD., as Trustee for
THE ASHFORTH SUPERANNUATION FUND;
HOPERIDGE ENTERPRISES PTY LTD., as Trustee
for the JONES FAMILY TRUST; TFW
CORPORATE PTY LTD.; KHAKI INVESTMENTS
PTY LTD.; MARBRUCK INVESTMENTS, LLC;
MICHAEL F. ASHFORTH; KEMPER B. SHAW;
and JAMES D. TAYLOR,

Defendants.

Case No. _____

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER WITHOUT
NOTICE AND ORDER TO SHOW
CAUSE WHY PRELIMINARY
INJUNCTION SHOULD NOT
ISSUE**

1 Having considered the papers filed and arguments presented in connection with
 2 Plaintiff Lockheed Martin Corporation's ("Lockheed Martin") Ex Parte Application for
 3 Temporary Restraining Order Without Notice and Order to Show Cause Why Preliminary
 4 Injunction Should Not Issue, the Court finds as follows:

5 1. Plaintiff has good cause for seeking relief on an ex parte basis and without notice to
 6 Defendants;

7 2. The parties and issues are the same in the present action and in future actions
 8 Defendants may seek to initiate in a foreign forum;

9 3. Defendants' initiation of any litigation in a foreign forum, including any effort to
 10 enjoin Lockheed Martin from pursuing declaratory or injunctive relief in this action, would
 11 frustrate the policy of the courts of the United States and this Court's jurisdiction;

12 4. This dispute between two private entities does not impact comity; and

13 5. Plaintiff will be irreparably harmed if enjoined by Defendants from seeking relief in
 14 the United States, or if forced to incur the burden and expense of litigating in a jurisdiction outside
 15 of the United States.

16 IT IS THEREFORE ORDERED THAT Defendants AMB Property (Providence) Pty Ltd.;
 17 Ivoryrose Holdings Pty Ltd., as Trustee for The Ashforth Superannuation Fund; and Michael F.
 18 Ashforth (collectively, the "AMB Defendants"); Aceworld Holdings Pty Ltd.; Khaki Investments
 19 Pty Ltd.; Marbruck Investments, LLC; TFW Corporate Pty Ltd.; Kemper B. Shaw; and James D.
 20 Taylor (collectively, the "Marbruck Defendants"); and Hoperidge Enterprises Pty Ltd., as Trustee
 21 for the Jones Family Trust ("Hoperidge," and collectively with the AMB Defendants and
 22 Marbruck Defendants, "Defendants") and their affiliates, officers, directors, shareholders,
 23 employees, and any other persons who are in active concert or participation with them, whether
 24 acting directly or indirectly, in the United States or abroad, shall not file claims or initiate
 25 litigation against Lockheed Martin, its affiliates, officers, directors or employees, relating to the
 26 Defendants' investments in Collinear Networks, Inc. ("Collinear") in a jurisdiction other than one
 27
 28

1 in the United States until this Court issues its decision on Lockheed Martin's request for
 2 preliminary injunctions.

3 IT IS FURTHER ORDERED THAT Defendants and their affiliates, officers, directors,
 4 shareholders, employees, and any other persons who are in active concert or participation with
 5 them, whether acting directly or indirectly, in the United States or abroad, shall not seek to enjoin
 6 in a foreign tribunal Lockheed Martin from either (i) securing the anti-suit injunctive relief ordered
 7 in this Order or (ii) securing any available relief in United States courts regarding potential claims
 8 against Lockheed Martin relating to the Defendants' investments in Collinear until this Court
 9 issues its decision on Lockheed Martin's request for preliminary injunctions.

10 IT IS FURTHER ORDERED THAT:

11 1. Defendants shall show cause before the Honorable _____, Judge of the
 12 above-entitled Court, on _____, 2019 at _____, or as soon thereafter as the
 13 parties may be heard, in Courtroom _____ located in the Robert F. Peckham Federal Building
 14 Courthouse at 280 South 1st Street, San Jose, CA 95113, concerning why a preliminary injunction
 15 should not issue against Defendant enjoining it, pending the final hearing and determination of this
 16 action, from such activities as is described in the paragraphs above and as Defendant has been
 17 temporarily enjoined from.

18 2. Plaintiff, or its authorized agents, is directed to serve a copy of this Order
 19 upon Defendants by _____ a.m./p.m. on _____ 2019, which shall constitute sufficient service of
 20 process thereof;

21 3. Defendants shall have until _____ a.m./p.m. on _____ 2019, to file with this
 22 Court and serve on Lockheed Martin's counsel, John S. Williams, Williams & Connolly LLP, 725
 23 12th Street, N.W., Washington, DC 20005, any points of authorities, affidavits or declarations, or
 24 other evidence in opposition to the Order to Show Cause Regarding Preliminary Injunction;

25 4. Plaintiff shall have until _____ a.m./p.m. on _____ 2019, to file with this
 26 Court and serve on Defendants' counsel any points of authorities, affidavits or declarations, or
 27 other evidence in support of the Order to Show Cause Regarding Preliminary Injunction;
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6. For good cause shown and upon written application to the Court, this Order may be extended for a longer period determined by the Court.

U.S. District Judge